THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.20429 OF 2005

DATED: 15TH SEPTEMBER, 2006.

Between :

M/s. Sri Balaji Constructions,
No.1/1038, Banglathota, Nawabpet,
Nellore, Nellore district, rep. by is
Managing Partner K. Purandar Reddy … Petitioner

And

1. The Chief Administrative Officer (Construction),
   South Central Railway, Secunderabad,
   And 2 others … Respondents

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ORDER:

The petitioner who was awarded the contract vide Agreement No.167/05/GTL/South, dated 23-08-2005 to carry out the earth work in making up/widening of existing formation with contractor's earth to standard profile between Gudur-Renigunta stations in Guntakal Division of South Central Railway filed this writ petition seeking a declaration that the action of the respondents in withholding the seigniorage charges on the ordinary earth as arbitrary and illegal; and consequently to direct the respondents not to recover or withhold seigniorage charges from the bills payable to him.

I have heard the learned Counsel for both the parties and perused the material on record.

Having considered an identical issue, a Division Bench of this Court in M/s. MRKR-MBGEC v. CHIEF ADMINISTRATIVE OFFICER, CONSTRUCTION, SOUTH CENTRAL RAILWAY[1] held that all contractors like the petitioners are duly bound to pay the seigniorage charges on the ordinary sand used for construction purposes.

The ratio laid down by the Division Bench in the above said decision squarely applies to the present case and the petitioner herein also stands on the same footing. Hence, the relief as prayed for cannot be granted.

However, liberty is granted to the petitioner to avail the appropriate alternative remedy as available under law for redressal of

his grievance, if any.

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 15-9-2006

gbs

[1] 2006 (3) ALT 274 (D.B.)